

REMARKS

Favorable reconsideration of this application, in view of the preceding amendments and following remarks, is respectfully requested.

Claims 1-4, 6, 7, 9, 10, 13-17, 19-29 and 33-40 are pending in this application. Claims 1-4, 6, 7, 9, 10, 13-17, 19, 20, 25, 29, 33 and 37 are amended. Claim 5 is cancelled. Applicants submit that no new matter is added by this Amendment. More particularly, Applicants submit that support for the claims amendments is provided by at least paragraph [0094] of Applicants' specification

Applicants acknowledge with appreciation the Examiner's indication that certified copies of the priority documents have been received by the United States Patent and Trademark Office (USPTO).

Information Disclosure Statements

Applicants note that Information Disclosure Statements were filed on March 15, 2007 and July 31, 2007. Applicants respectfully request the Examiner acknowledge consideration of the references listed in the Information Disclosure Statements in the next official communication.

Claim Rejection under 35 U.S.C. § 103

Claims 1-7, 15, 17, 19-21, 23, 25, 26, 29 and 33-40:

Claims 1-7, 15, 17, 19-21, 23, 25, 26, 29 and 33-40 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kuroda et al. (U.S. Patent No. 6,735,155, hereinafter Kuroda) in view of Tomita et al. (U.S. Patent No. 7,266,753, herein Tomita). Applicants respectfully traverse this rejection.

Initially, Applicants note that each of independent claims is amended to further distinguish the claims over the cited references. For example, claim 1 now recites that "a frame in one of the data area and the linking area is identifiable based on a combination of a frame sync signal of the frame and a frame sync signal of a preceding frame." Applicants submit that at least the above-identified feature of amended claim 1 and the somewhat similar features of

amended independent claims 19, 20, 25 and 29, patentably distinguish the claims over both Kuroda and Tomita, either alone or in combination.

Further, Applicants would like to take this opportunity to discuss an issue with the combination of Kuroda with the secondary reference of Tomita. As previously mentioned, FIG. 7 of Kuroda illustrates that when a new data section is added to the recording medium of Kuroda, the head position of the old dummy data is detected and the new recording begins at the second sync frame 42 located at the end of the original recording. The second sync frame 42 is overwritten by the new record information and becomes in fact broken due to the overwriting of data. FIG. 7 illustrates the broken data as D. Applicants submit the second sync frame 42 contains no usable data after overwriting. Further, Applicants note this is a significant feature of Kuroda because Kuroda is directed towards “effectively utilizing a record area on an information record medium”¹ by reducing the amount of space required by the linking area. Tomita is directed towards an information recording medium having a linking block that includes second identification information that is different from each of the first identification information.²

As such, Applicants submit that combining the teachings of Kuroda and Tomita would obviate the purpose of at least one of Tomita and Kuroda. For example, the method for overwriting data of Kuroda would result in the second identification information in Tomita becoming broken, thereby obviating one of the purposes of Tomita, which is to use the second identification information. As a second example, if the method in Kuroda is used, but the second identification information is maintained, Kuroda no longer provides a method that more effectively utilizes the record area because none of the linking area is overwritten. Therefore, Applicants submit the combination of Tomita and Kuroda is improper.

In light of the above, Applicants submit that Tomita and Kuroda fail to disclose, teach or suggest “a frame in one of the data area and the linking area is identifiable based on a combination of a frame sync signal of the frame and a frame sync signal of a preceding frame,” as recited in claim 1 or the somewhat similar features of amended independent claims 19, 20, 25 and 29. Further, Applicants submit the combination of Tomita and Kuroda is improper.

¹ Kuroda, column 2, lines 30-31.

² Tomita, Abstract.

Therefore, Applicants respectfully request the rejection of independent claims 1, 19, 20, 25 and 29, as well as all claims depending therefrom, under 35 U.S.C. § 103 be withdrawn.

Claims 9, 10, 13, 14, 24, 27 and 28:

Claims 9, 10, 13, 14, 24, 27 and 28 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kuroda in view of Tomita and further in view of Sako et al., (U.S. Patent No. 6,971,024, herein Sako). Applicants respectfully traverse this rejection.

Applicants submit that Sako fails to cure the deficiencies of Kuroda and Tomita described above with respect to the independent claims from which claims 9, 10, 13, 14, 24, 27 and 28 depend. As such, Applicants submit that claims 9, 10, 13, 14, 24, 27 and 28 are allowable over Kuroda, Tomita and Sako for at least the same reasons that the independent claims are allowable over Kuroda and Tomita.

Therefore, Applicants respectfully request the rejection of claims 9, 10, 13, 14, 24, 27 and 28 under 35 U.S.C. § 103(a) be withdrawn.

Claim 16:

Claim 16 stands rejected under 35 U.S.C. § 103(a) as unpatentable over Kuroda in view of Tomita in view of Nakagawa et al. (U.S. Patent No. 6,879,637, herein Nakagawa). Claim 16 depends from claim 1 and Nakagawa fails to cure the deficiencies of Kuroda and Tomita with respect to claim 1. Therefore, Applicants respectfully request that the rejection of claim 16 under 35 U.S.C. § 103(a) also be withdrawn.

Claims 22:

Claim 22 stands rejected under 35 U.S.C. § 103(a) as unpatentable over Kuroda in view of Tomita in view of Fujimoto et al. (U.S. Patent No. 6,191,903, herein Fujimoto). Claim 22 depends from claim 20 and Fujimoto fails to cure the deficiencies of Kuroda and Tomita with respect to claim 20. Therefore, Applicants respectfully request that the rejection of claim 22 under 35 U.S.C. § 103(a) also be withdrawn.

CONCLUSION

In view of the above remarks and amendments, Applicants respectfully submit that each of the rejections has been addressed and overcome, placing the present application in condition for allowance. A notice to that effect is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to contact the undersigned.

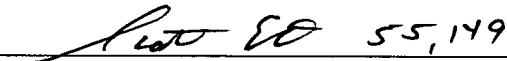
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Scott A. Elchert at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKY, & PIERCE, P.L.C.

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